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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2060

Introduced by Assembly Member V. Manuel Pérez
(Coauthor: Assembly Member Skinner)

February 20, 2014

An act to add *and repeal* Chapter 4 (commencing with Section 1234) to Title 8 of Part 2 of the Penal Code, relating to recidivism.

LEGISLATIVE COUNSEL'S DIGEST

AB 2060, as amended, V. Manuel Pérez. Supervised Population Workforce Training Grant Program.

Existing law defines probation to mean the suspension of the imposition or execution of a sentence of an individual convicted of a crime and the order of his or her conditional and revocable release in the community under the supervision of a probation officer. Existing law authorizes probation for some, but not all, felony convictions.

Existing law requires all eligible people released from prison on and after October 1, 2011, or, whose sentences have been deemed served, as provided, after serving a prison term for a felony, upon release from prison, and for a period not exceeding 3 years immediately following release, to be subject to postrelease community supervision provided by a county agency designated by each county's board of supervisors that is consistent with evidence-based practices, including, but not

limited to, supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under postrelease supervision. Existing law authorizes a court, when sentencing a person to county jail for a felony, to commit the person to county jail for either the full term in custody, as specified, or to suspend the execution of a concluding portion of the term selected at the court's discretion. Under existing law, this period of suspended execution is supervised by the county probation officer and is known as mandatory supervision.

Existing law creates the Recidivism Reduction Fund in the State Treasury, available upon appropriation by the Legislature, for, among other things, activities designed to reduce recidivism of the state's prison population.

This bill would, *until January 1, 2021*, establish the Supervised Population Workforce Training Grant Program to be administered, as provided, by the California Workforce Investment Board and funded, upon appropriation by the Legislature, using moneys from the Recidivism Reduction Fund. The bill, *until January 1, 2021*, among other things, would provide grant program eligibility criteria for counties. The bill, *until January 1, 2021*, would also provide that eligible uses for grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population, which would include individuals on probation, mandatory supervision, and postrelease community supervision. By January 1, ~~2017~~ 2018, the board would be required to submit a report to the Legislature containing specified information, including an evaluation of the effectiveness of the grant program. *The bill would state findings and declarations of the Legislature.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all the*
- 2 *following:*
- 3 (a) *In order to meet the requirements of the federal court order*
- 4 *in the matter sometimes referred to as Plata/Coleman v. Brown,*
- 5 *(Case No. C01-1351) California is required to reduce the prison*
- 6 *inmate population to 147.5 percent of design capacity by February*
- 7 *2016.*

(b) *The court decision is the result of decades of litigation under two separate cases, which were brought together due to the severity of the impact of overcrowding on the inmate population.*

(c) *Over this time, the Legislature passed and the Governor signed a range of legislation. Most significantly, Assembly Bill 109 (Chapter 15, Statutes of 2011), the 2011 Realignment Legislation addressing public safety, was enacted, which shifted to counties the responsibility for monitoring, tracking, and incarcerating lower level offenders previously sent to state prison. By mid-2013, more than 100,000 offenders had been diverted to county supervision instead of going to state prison.*

(d) *Recognizing that the state would need to take additional actions to meet the court order, the Legislature passed and the Governor signed legislation, Senate Bill 105 (Chapter 310, Statutes of 2013), which appropriated to the Department of Corrections and Rehabilitation \$315 million in General Fund support in the 2013–14 fiscal year. These moneys were appropriated to be used for contracts to secure additional prison bed space, and, if an unexpended balance existed, the bill allowed for up to \$75 million to be deposited in the Recidivism Reduction Fund. Program savings of 50 percent are also required to be transferred to the Recidivism Reduction Fund.*

(e) *Research shows that formerly incarcerated individuals do better and remain out of prison longer when they have training and a job with advancement opportunities. Obtaining quality jobs, however, is not realistic for many incarcerated individuals without additional training and education. This means that without successful workforce development programs, the supervised population is less likely to become contributors to our society and more likely to recidivate.*

(f) *The California Workforce Investment Board and local workforce investment boards can play an important role in identifying high-demand industry sectors in the state, and within regional economies. Further, these entities have the expertise to identify local workforce needs and help individuals receive training that will make them competitive within the local job market in which they live.*

SECTION 1.

SEC. 2. Chapter 4 (commencing with Section 1234) is added to Title 8 of Part 2 of the Penal Code, to read:

1 CHAPTER 4. SUPERVISED POPULATION WORKFORCE TRAINING
2 GRANT PROGRAM
3

4 1234. For purposes of this chapter, the following terms have
5 the following meanings:

6 (a) “California Workforce Investment Board” or “State WIB”
7 means the California Workforce Investment Board established
8 pursuant to Article 1 (commencing with Section 14010) of Chapter
9 3 of Division 7 of the Unemployment Insurance Code.

10 (b) “Grant program” means the Supervised Population
11 Workforce Training Grant Program.

12 (c) “Recidivism Reduction Fund” means the Recidivism
13 Reduction Fund created pursuant to Section 1233.9.

14 (d) “Supervised population” means those persons who are on
15 probation, mandatory supervision, or postrelease community
16 supervision and are supervised by, or are under the jurisdiction of,
17 ~~the a~~ county.

18 1234.1. (a) This chapter establishes the Supervised Population
19 Workforce Training Grant Program to be administered by the
20 California Workforce Investment Board.

21 (b) The grant program shall be ~~competitive and open to all~~
22 ~~counties~~ *developed and implemented* in accordance with the criteria
23 set forth in Section 1234.3. *In developing the program, the State*
24 *WIB shall consult with public and private stakeholders, including*
25 *local workforce investment boards, local governments, and*
26 *nonprofit community-based organizations that serve the supervised*
27 *population.*

28 (c) The grant program shall be funded, upon appropriation ~~of~~
29 *by* the Legislature, using moneys from the Recidivism Reduction
30 Fund. *Implementation of this program is contingent upon the*
31 *director of the State WIB notifying the Department of Finance that*
32 *sufficient moneys have been received.*

33 (d) *The outcomes from the grant program shall be reported*
34 *pursuant to Section 1234.4.*

35 1234.2. The State WIB shall administer the grant program as
36 follows:

37 (a) Develop criteria for the selection of grant recipients through
38 a public *application* process, *including, but not limited to, the*
39 *rating and ranking of applications that meet the threshold criteria*
40 *set forth in this section.*

(b) Design the grant program application *process* to ensure all of the following occurs:

~~(1) There is fairness and competitiveness for smaller counties.~~

~~(2) There is fair and equitable geographic distribution of grant funds.~~

~~(3) There is greater consideration given to counties that have demonstrated a collaborative working relationship with local workforce investment boards and that currently have in place a workforce training program for the supervised population.~~

(1) Outreach and technical assistance is made available to eligible applicants, especially to small population and rural counties.

(2) Grants are awarded on a competitive basis.

(3) Small and rural counties are competitive in applying for funds.

(4) Applicants are encouraged to develop evidence-based, best practices for serving the workforce training and education needs of the supervised population.

(5) The education and training needs of both of the following are addressed:

(A) Individuals with some postsecondary education who can enter into programs and benefit from services that result in certifications, and placement on a middle skill career ladder.

(B) Individuals who require basic education as well as training in order to obtain entry level jobs where there are opportunities for career advancement.

~~1234.3. (a) Each county is eligible to apply for the grant program funds.~~

~~(b) (1) Preference shall be given to counties with demonstrated matching funding.~~

~~(2) Matching funds may come from governmental or nongovernmental sources, including, but not limited to, local workforce investment boards, local governments, or private foundation funds.~~

~~(c) Eligible uses of grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population.~~

1234.3. (a) The grant program shall be competitively awarded through at least two rounds of funding, with the first phase of funding being awarded on or before May 1, 2015.

1 (b) Each county is eligible to apply, and a single application
2 may include multiple counties applying jointly. Each application
3 shall include a partnership agreement between the county or
4 counties and one or more local workforce investment boards that
5 outline the actions each party agrees to undertake as part of the
6 project proposed in the application.

7 (c) At a minimum, each project proposed in the application
8 shall include a provision for an education and training assessment
9 for each individual of the supervised population who participates
10 in the project. The assessment may be undertaken by the applicant
11 or by another entity. A prior assessment of an individual may be
12 used if, in the determination of the State WIB, its results are
13 accurate.

14 (d) Eligible uses of grant funds include, but are not limited to,
15 vocational training, stipends for trainees, and apprenticeship
16 opportunities for the supervised population. Supportive services
17 and job readiness activities shall serve as bridge activities that
18 lead to enrollment in long-term training programs.

19 (e) Preference shall be awarded to applications for the
20 following:

21 (1) An application that proposes matching funds, including, but
22 not limited to, moneys committed by local workforce investment
23 boards, local governments, and private foundation funds.

24 (2) An application submitted by a county that currently
25 administers or participates in a workforce training program for
26 the supervised population.

27 (3) An application that proposes participation by one or more
28 nonprofit community based organizations that serve the supervised
29 population.

30 (f) An application shall meet the following requirements:

31 (1) Set a specific purpose for the use of the grant funds, as well
32 as provide the baseline criteria and metrics by which the overall
33 success of the grant project can be evaluated.

34 (2) Define the specific subset of the supervised population,
35 among the eligible supervised population that the grant money
36 will serve.

37 (3) Define the industry sector or sectors in which the targeted
38 supervised population will be trained, including the current and
39 projected workforce within the region for those jobs, the range of

1 wage rates, and the training and education requirements within
2 those industry sectors.

3 (4) Define the general methodology and training methods
4 proposed to be used and explain the manner in which the progress
5 of the targeted supervised population will be monitored during
6 the grant period.

7 (g) As a condition of receiving funds, a grant recipient shall
8 agree to provide information to the State WIB in sufficient detail
9 to allow the State WIB to meet the reporting requirements in
10 Section 1234.4.

11 1234.4. (a) ~~Upon~~ On at least an annual basis, and upon
12 completion of the grant period, grant recipients shall report to the
13 State WIB regarding their use of the funds and workforce training
14 program outcomes.

15 (b) By January 1, ~~2017~~ 2018, the State WIB shall submit a report
16 to the Legislature using the reports from the grant recipients. The
17 report shall contain all the following information:

18 (1) The overall success of the grant program, *based on the goals*
19 *and metrics set in the awarded grants.*

20 (2) An evaluation of the effectiveness of the grant program
21 *based on the goals and metrics set in the awarded grants.*

22 (3) A recommendation on the long-term viability of local
23 workforce investment board and county collaborations on
24 workforce training programs for the supervised population.

25 (4) A recommendation on the long-term viability of county
26 workforce training programs for the supervised population.

27 (5) In considering the overall success and effectiveness of the
28 grant program, the report shall include a discussion of all of the
29 following:

30 (A) Whether the programs aligned with the workforce needs of
31 high-demand sectors of the state and regional economies.

32 (B) Whether there was an active job market for the skills being
33 developed where the member of the supervised population was
34 likely to be released.

35 (C) Whether the program increased the number of members of
36 the supervised population that obtained a marketable and industry
37 or apprenticeship board-recognized certification, credential, or
38 degree.

39 (D) *Whether the program increased the numbers of the*
40 *supervised population that successfully complete a job readiness*

1 *basic skill bridge program and enroll in a long-term training*
2 *program.*

3 ~~(D)~~

4 *(E) Whether there were formal or informal networks in the field*
5 *that support finding employment upon release from custody.*

6 ~~(E)~~

7 *(F) Whether the program led to employment in occupations*
8 *with a livable wage.*

9 *(c) (1) The requirement for submitting a report imposed under*
10 *subdivision (b) is inoperative on January 1, 2021, pursuant to*
11 *Section 12031.5 of the Government Code.*

12 *(2) A report to be submitted pursuant to subdivision (b) shall*
13 *be submitted in compliance with Section 9795 of the Government*
14 *Code.*

15 *1234.5. This chapter shall remain in effect only until January*
16 *1, 2021, and as of that date is repealed, unless a later enacted*
17 *statute, that is enacted before January 1, 2021, deletes or extends*
18 *that date.*